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CC 92-77

September 16, 1994

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SEP 22 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Ralph M. Hall
U.S. House of Representatives
2236 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hall:

Thank you for your letter on behalf of Weldon Lucas, Sheriff, Denton County, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Ralph M. Hall
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

RALPH M. HALL
4TH DISTRICT, TEXAS

Congress of the United States
House of Representatives
Washington, DC 20515-4304
August 22, 1994

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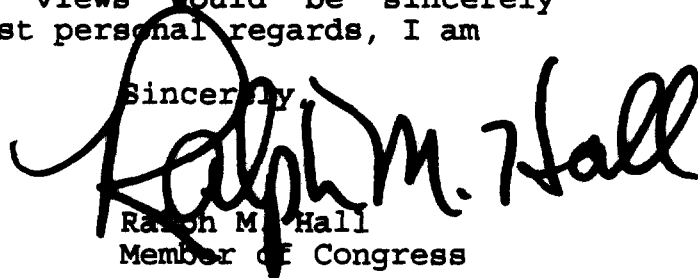
Ms. Judith L. Harris
Director, Legislative Affairs
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Judy:

Enclosed please find a copy of correspondence from one of my constituents, Sheriff Weldon Lucas of Denton, Texas. Sheriff Lucas is concerned about the FCC's proceeding regarding Billed Party Preference, which he believes would be subject to abuse by prison inmates.

Any consideration the Commission could give to my constituent's views would be sincerely appreciated. With best personal regards, I am

Sincerely,


Ralph M. Hall
Member of Congress

RMH:mee

Enclosure

Please reply to:

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July 22, 1994

The Honorable Ralph Hall
U.S. Representative, District 4
122 Federal Bldg.
Sherman, TX 75090

Dear Congressman Hall,


Enclosed please find a letter to the Commissioner of the Federal Communications Commission stating the Denton County Sheriff's Department's extreme opposition to **Billed Party Preference** for inmate phone systems.

Inmate phone services provide a specialized service preventing citizens from receiving unwanted calls from inmates and preventing other forms of call abuse and fraud from inmates. This service also generates revenue for the county through the commissions they pay. Very simply, to lose this service would hinder our ability to protect citizens (possibly victims of the inmates' crimes) from harassing phone calls as well as adversely affect the budget for jail operations which includes inmate programs.

Many inmate phone services, such as ours, includes contractual specifications that ensure "reasonable" rates or a rate ceiling for controlling the cost of inmate calls which is what BPP is geared toward doing. In fact, Billed Party Preference may cost more in the long run because regular phone services cannot guarantee that the same protections inmate phone services provide at the same cost, if at all.

We urge you help prevent this measure by making your opposition known to the Chairman and four Commissioners of the FCC by **Monday, August 1, 1994**. Thank you for any help you may give in this matter. If you have any questions, please feel free to call me at 817-898-5620.

Sincerely,


Weldon Lucas
Sheriff, Denton County

WGL/hm

enclosures



July 21, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Billed Party Preference; CC Docket No. 92-77

Dear Chairman Hundt,

It has come to my attention that the FCC is considering the implementation of a "billed party preference" for 0+interLATA payphone traffic and for other types of operator-assisted interLATA traffic. If BPP is implemented, Inmate Phone Systems, as we know them today, will cease to exist.

The Denton County Sheriff's Department is strenuously opposed to BPP for inmate phone systems, the most important reason being the control over the calls generated by over 850 inmates in this correctional facility. This Administration is firmly committed to protecting law-abiding citizens' and especially victims' rights, and the phone system we currently have in use allows us to effectively control and practically eliminate call abuse and fraud by the inmates.

Inmate call abuse and fraud is a very real problem for the victims of crimes, judges, witnesses, and other elected officials, as well as the family, friends, and acquaintances of some of the inmates who do not wish to be harassed. A regular phone service will not be able to provide the immediate assistance that our specialized inmate phone service provides to eliminate these kinds of problems. Furthermore, these special requests will cost a great deal more from a regular service.

In addition to losing the ability to effectively control inmate calls, in these hard economic times our budget could not be expanded to include a regular phone service with the necessary equipment and manpower that would permit the supervision of inmate calls without cutting other budgetary items vital to operating our jail. Also, implementing BPP would eliminate the revenue-generating agreements that we have with the inmate phone services; revenue that augments our budget and enables us to provide important educational and rehabilitation programs for the inmates. Obviously, the adverse financial impact of having BPP would severely handicap inmate programs and jail operations.

We share the concern for providing reasonable rates for inmate phone service. Our

existing contract specifies that the inmates pay no more than the standard GTE and AT&T rates. Billed Party Preference is not the answer to controlling phone costs; specifying "equivalent" rates in the bid package guarantees the inmates pay no more than anyone else for like service.

The disadvantages of BPP far outweigh the rate control this program would allegedly offer. Aside from the tremendous negative budgetary impact, the protection of private citizens from harassing phone calls and telephone fraud is at stake with the implementation of BPP. We vigorously oppose this program, and fervently hope that it is not implemented.

Sincerely,



Weldon Lucas
Sheriff, Denton County

WGL/hm